

STATE OF INDIANA)
COUNTY OF HANCOCK)

IN THE HANCOCK CIRCUIT COURT

COURT

AVC NO. 02-036

IN RE: DAVID M. CURRY,

Respondent.

MISCELLANEOUS DOCKET

NO. 30001-0207-MF-427

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Mary Ann Wehmueller, and the Respondent, David M. Curry, enter into an Assurance of Voluntary Compliance (Assurance) pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law and upon consent of the parties.

The parties agree:

1. Respondent is an individual engaged in the sale of used motor vehicles, with a principal place of business at 2168 S. Jacobi Road, Greenfield, Indiana 46140, and transacts business with Indiana consumers.

2. The terms of this Assurance apply to and are binding upon Respondent, his employees, agents, representatives, successors, and assigns.

3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 *et seq.*

4. Respondent, in soliciting and/or contracting with consumers, shall not make, cause to be made, or permit to be made, expressly or by implication, any representation, orally or in writing, as to a vehicle's prior damage history, or lack thereof, unless Respondent knows or should reasonably know the damage history represented is accurate.

5. Respondent will refrain from making and shall not make, cause to be made, or permit to be made, expressly or by implication, any representation, orally or in writing, regarding repairs made to salvaged, rebuilt or damaged vehicles, unless Respondent knows or should reasonably know it has made the repairs as represented.

6. Respondent will immediately comply with all provisions of Ind. Code §9-22-3-1 *et seq.*, including but not limited to: disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange or transfer the fact that a vehicle is a salvage or rebuilt vehicle.

7. Respondent agrees to obtain a motor vehicle dealer license from the Indiana Bureau of Motor Vehicles pursuant to Ind. Code §9-23-2-1 *et seq.* if:

a. Respondent sells motor vehicles to the general public for delivery in Indiana and

b. Respondent sells at least twelve (12) motor vehicles per year.

8. If Respondent is required to obtain a motor vehicle dealer license as referenced in paragraph 7, Respondent agrees to have an established place of business that meets the minimum standards prescribed by the Indiana Bureau of Motor Vehicles pursuant to the rules adopted under Ind. Code §4-22-2.

9. Upon execution of this Assurance, Respondent shall pay consumer restitution in the amount of \$9,700.00 to the Office of the Attorney General on behalf of Donald Jordan, 1163 Stonegate Road, Greenwood, Indiana 46142.

10. Respondent acknowledges that any statute of limitations as to any claims relating to the used car sale between David Curry and Donald Jordan dated July 3, 2000, which the State of Indiana may bring against Curry, under the Deceptive Consumer Sales Act and the Indiana Salvage Motor Vehicle Act, shall be and hereby is tolled, commencing as of the date hereof and continuing to and including August 1, 2002. This paragraph is intended to put the State of Indiana in the same position during the tolling period with regard to any statute of limitations that the State of Indiana would occupy if such claims had been filed in a court as of the date hereof.

11. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

12. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

13. The Office of the Attorney General shall file this Assurance with the Circuit Court of Hancock County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 10th day of July, 2002.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Attorney General of Indiana

DAVID M. CURRY

By:

Mary Ann Wehmüller
Mary Ann Wehmüller

Deputy Attorney General

Atty. No. 15251-49A

Office of Attorney General

402 W. Washington, 5th Floor

Indianapolis, Indiana 46204

Telephone: (317) 233-3973

Maw:49302

David M. Curry
David M. Curry

APPROVED this 16 day of July, 2002.

[Signature]
Judge, Hancock Circuit Court

